

REMARKS

Pursuant to the Patent Office's adoption of a revision to 37 C.F.R. § 1.121 (Manner of Making Amendments), the applicants have voluntarily submitted amendments in a revised format as set forth above.

Claims 20-30 are currently pending in this application. The applicants have amended claims 20 to be directed to an isolated polynucleotide comprising a nucleotide sequence encoding a protein with an amino acid sequence as set forth in SEQ ID NO: 2, wherein the polynucleotide encodes a polypeptide having phosphofructokinase enzymatic activity. The applicants have amended claims 23 and 24 to be directed to an isolated polynucleotide comprising a nucleotide sequence that is at least 90% or 95% identical to that of SEQ ID NO: 1 encoding a protein with an amino acid sequence of SEQ ID NO: 2 and wherein said protein has phosphofructokinase enzymatic activity. Finally, the applicants have amended claim 25 to include the word "comprising," which was inadvertently left out of the claim. The applicants have reworded these claims to better define the applicants' invention. The examiner has acknowledge that each of these claims are fully enabled in the official action at page 2, paragraph 3. Claims 21 and 22 have been canceled without prejudice.

The applicants do not intend by these or any amendments to abandon subject matter of the claims as originally filed or later presented, and reserve the right to pursue such subject matter in continuing applications.

Patentability Remarks

The examiner rejected claims 21, 22, and 27-30 under 35 U.S.C. § 112, first paragraph, for an alleged lack of enablement. In remarks accompanying the rejection, the examiner acknowledged that the specification is enabling for an isolated polynucleotide comprising the nucleotide sequence of SEQ ID NO: 1, or a nucleotide sequence that is at least 90% or 95% identical to SEQ ID NO: 1, or a nucleotide sequence of nucleotides 143-1171 of SEQ ID NO: 1, all of which encodes a polypeptide having phosphofructokinase activity and/or encodes a protein with an amino acid sequence of SEQ ID NO: 2 [See official action, page 2, paragraph 3.] The examiner, however, alleges that any isolated polynucleotide encoding a protein with an amino acid sequence that is at least 70% or 80% identical to that of SEQ ID NO: 2, wherein said protein has phosphofructokinase enzymatic activity is not enabled. The

applicants respectfully request reconsideration and withdrawal of the rejection in light of the amendments and remarks.

Although the applicants believe that polynucleotides comprising a nucleotide sequence that is at least 70% or 80% identical to that of SEQ ID NO: 1, and that encode a polypeptide with an amino acid sequence of SEQ ID NO: 2 and has phosphofructokinase enzymatic activity (page 5, lines 5-12; page 7, line 25 to page 8, line 17), are also enabled by the specification, to expedite prosecution, claims 21 and 22 have been canceled without prejudice and claims 27-30 have been effectively amended to conform to the allowed claims. Accordingly, the applicant respectfully submit that the rejection of claims 21, 22, and 27-30 under 35 U.S.C. §112, first paragraph, for lack of enablement, has been overcome and should be withdrawn.

CONCLUSION

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. As requested in the voicemail left by the undersigned for the examiner on 20 May 2003, if any point remains at issue that the examiner feels may be best resolved through a personal or telephone interview, the examiner is strongly urged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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